

Attorney Docket No.: DEX-0253
Inventors: Sun et al.
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Group I, claims 1-5 and 7-8, drawn to a nucleic acid, cell, vector, classified in class 36, subclass 23.1 as well as class 435, subclasses 325 and 320.1.

Group II, claims 6, 13 and 15, drawn to methods and kits for determining the presence of a colon specific nucleic acid or polypeptide, classified in class 435, subclasses 6 and 7.1 as well as class 22, subclass 61;

Group III, claim 9, drawn to a method for producing a polypeptide, classified in class 435, subclass 69.1;

Group IV, claims 10-11, drawn to polypeptide, classified in class 530, subclass 350;

Group V, claim 12, drawn to an antibody, classified in class 530, subclass 387.1;

Group VI, claim 14, drawn to a method for diagnosing and monitoring the presence and metastases of colon cancer in a patient, classified in class 436, subclass 64;

Group VII, claim 16, drawn to method of treating a patient with colon cancer, classified in class 514, subclass 2; and

Group VIII, claim 17, drawn to a vaccine, classified in class 514, subclass 2.

The Examiner suggests that these Groups are distinct, each from the other. The Examiner also suggests that all the usages

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of these Groups are distinct as requiring distinct and different functions thereof without overlapping search due to different subject matter and that this lack of overlapping searches documents the undue search burden if they were searched together.

Further, the Examiner suggests that each Group reads on patentably distinct sequences and election of a single amino acid/polypeptide sequence is requested.

Applicants respectfully traverse this Restriction Requirement.

MPEP §803 provides two criteria which must be met for a restriction requirement to be proper. The first is that the inventions be independent or distinct. The second is that there would be a serious burden on the Examiner if the restriction is not required. A search of prior art relating to an elected sequence would also reveal any references teaching uses for this sequence. Accordingly, Applicants respectfully disagree with the Examiner that searching of all the claims, at least when limited to an elected sequence, is not overlapping and that undue burden is placed on the Examiner if the Restriction is not made.

Thus, since this Restriction Requirement does not meet both criteria as set forth in MPEP § 803 to be proper, it is respectfully requested that this Restriction Requirement be

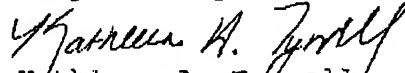
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withdrawn.

However, in an earnest effort to be completely responsive,
Applicants elect to prosecute Group I, SEQ ID NO:5, with
traverse.

Applicants believe that the foregoing comprises a full and
complete response to the Office Action of record.

Respectfully submitted,


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